

# United States Court of Federal Claims 20<sup>th</sup> Anniversary



UNITED STATES COURT  
OF  
FEDERAL CLAIMS

## 15<sup>TH</sup> JUDICIAL CONFERENCE

*Thursday, October 3, 2002*  
*and*  
*Friday, October 4, 2002*

**CAPITAL HILTON HOTEL**  
**Washington, D.C.**

# United States Court of Federal Claims Judges

*Edward J. Damich, Chief Judge*

Francis M. Allegra  
Lawrence M. Baskir  
Eric G. Bruggink  
Lynn J. Bush  
Nancy B. Firestone  
Bohdan A. Futey  
Reginald W. Gibson  
Kenneth R. Harkins  
Emily C. Hewitt  
Robert H. Hodges, Jr.  
Marian Blank Horn  
Thomas J. Lydon  
Lawrence S. Margolis  
James F. Merow  
Christine O.C. Miller  
Wilkes C. Robinson  
Loren A. Smith  
Diane Gilbert Sypolt  
Moody R. Tidwell, III  
James T. Turner  
John P. Wiese  
Sarah L. Wilson  
Robert J. Yock

## Special Masters

*Gary J. Golkiewicz, Chief Special Master*

Richard B. Abell  
John F. Edwards  
E. LaVon French  
George L. Hastings  
Laura D. Millman

**Date:** October 3–4, 2002

**Time:** 8:00 a.m. – 4:30 p.m.

**Place:** Capital Hilton Hotel, 16<sup>th</sup> and K Streets, NW, Washington, DC

Please visit our website ([www.uscfc.uscourts.gov](http://www.uscfc.uscourts.gov)) for more information, including CLE accreditation.

## REGISTRATION INFORMATION

The registration fee includes admission to all conference events, conference materials, and the Reception.

Register **before** September 3, 2002 to receive your *early bird discount*:

\$150.00 — Government Attorneys/Public Interest

\$225.00 — Non-Government Attorneys

Register **after** September 3, 2002:

\$225.00 — Government Attorneys/Public Interest

\$300.00 — Non-Government Attorneys

Late registration (**After** September 19, 2002 ):

\$250.00 — Government Attorneys/Public Interest

\$325.00 — Non-Government Attorneys

A separate registration form should be submitted for each conference attendee. Firms may submit one check to cover more than one conferee.

Checks should be made payable to Clerk, U.S. Court of Federal Claims and mailed to: Clerk of Court, U.S. Court of Federal Claims, 15<sup>th</sup> Judicial Conference, P.O. Box 931, McLean, VA 22101-9998.

Registration is not complete until payment has been received in full. Government training vouchers are welcome but must be completed in full by requesting agency prior to submission. Please confer with your government training official if you have any questions.

## REGISTRATION CANCELLATIONS

Cancellations must be received in writing. A 25% administrative fee will be assessed for refunds requested by September 16, 2002. Requests for refunds received after this date will be handled on a case-by-case basis.

## HOTEL RESERVATIONS

A block of rooms has been reserved for the conference. To ensure the best selection of rooms, make your reservation directly with the Capital Hilton at 202-393-1000 as soon as possible.

# ***U.S. COURT OF FEDERAL CLAIMS 20<sup>th</sup> ANNIVERSARY CONFERENCE***

## ***“Perspectives on Suing the Sovereign Here and Abroad”***

***October 3 – 4, 2002***

### **THURSDAY, OCTOBER 3**

**8:00 – 8:30 A.M.      Registration**

**8:30 – 8:45 A.M.      Opening Remarks**  
**The Honorable Edward J. Damich**  
*Chief Judge, U.S. Court of Federal Claims*

**8:45 – 9:45 A.M.      Historical Perspective**  
Topic: The provenance of the Federal Courts Improvement Act  
(what was intended and why; has it succeeded?).

*Speaker:*                **Professor Richard H. Seamon**  
*University of South Carolina*

*Responders:*        **Clarence T. Kipps, Jr.**  
*Miller & Chevalier*  
**Professor Daniel J. Meador**  
*University of Virginia*

*Moderator:*        **The Honorable John P. Wiese**  
*U.S. Court of Federal Claims*

**9:45 – 10:00 A.M.      Break**

**10:00 – 11:00 A.M.      Jurisdiction of the Court of Federal Claims;  
Remedies**

Topic: Is it time to revisit the jurisdiction and remedies offered by  
the Court of Federal Claims under the Tucker Act versus those of the  
district court in APA cases? *Bowen; Blue Fox; Consolidated Edison*

*Speaker:*                **Professor Gregory Sisk**  
*Drake University School of Law*

*Responders:*        **David M. Cohen**  
*Department of Justice*  
**Stanley Dees**  
*McKenna & Cuneo*  
**John D. Echeverria**  
*Georgetown Environmental Law & Policy Institute*  
**Professor Richard J. Pierce, Jr.**  
*Lyle T. Alverson Professor of Law*  
*George Washington University*

*Moderator:*                   **The Honorable William C. Bryson**  
*U.S. Court of Appeals for the Federal Circuit*

**11:00 – 12:00 P.M.    What Should be the Role of the Court of Federal Claims**  
Topic: Should we have specialty courts? Can the case be made for the Court of Federal Claims? Should it be an Article III court?

*Speakers:*                   **The Honorable Loren A. Smith**  
*U.S. Court of Federal Claims*  
**Professor Steven Schooner**  
*George Washington University Law School*

*Responders:*               **The Honorable S. Jay Plager**  
*U.S. Court of Appeals for the Federal Circuit*  
**Professor Judith Resnik**  
*Yale Law School*

*Moderator:*               **Professor Craig Stern**  
*Regent University School of Law*

**12:00 – 2:00 P.M.    Luncheon — Honoring the Court’s Past**

**Introduction**

**The Honorable Loren A. Smith**  
*U.S. Court of Federal Claims*

**The Honorable Alex Kozinski**  
*U.S. Court of Appeals for the Ninth Circuit*  
*Former Chief Judge of the U.S. Court of Federal Claims*

**Awards Presentation: Recognizing the Court’s Advisory Council**

**2:00 – 3:15 P.M.    The Court of Federal Claims in the 21<sup>st</sup> Century**  
Topic: Unfinished business of the Federal Courts Improvement Act: (interest, attorneys’ fees, damages, comprehensive relief, class actions, equitable remedies, new areas of jurisdiction).

*Speakers:*                   **Marcia G. Madsen**  
*Mayer, Brown, Rowe & Maw*  
**Gregory Smith**  
*Piper Rudnick*

*Responders:*               **Professor Joshua Schwartz**  
*George Washington University Law School*  
**Professor Gregory Sisk**  
*Drake University School of Law*

*Moderator:*               **The Honorable Nancy B. Firestone**  
*U.S. Court of Federal Claims*

**3:15 – 3:30 P.M.      Break**

**3:30 – 4:30 P.M.      Judges' Perspective**

Topic: Insight into improving the administration of justice. Questions and answers from conference participants.

**The Honorable Eric G. Bruggink**

*U.S. Court of Federal Claims*

**The Honorable Emily C. Hewitt**

*U.S. Court of Federal Claims*

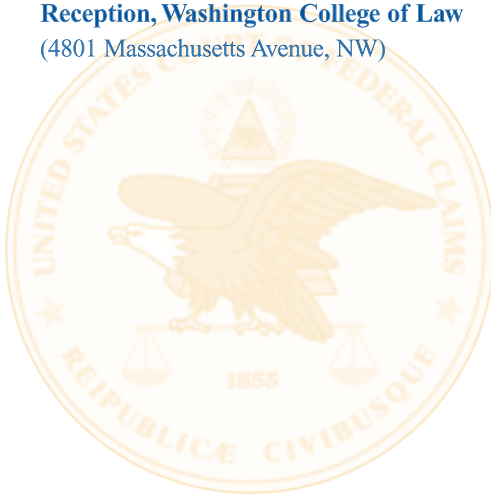
**The Honorable Marian Blank Horn**

*U.S. Court of Federal Claims*

**The Honorable Robert J. Yock**

*U.S. Court of Federal Claims*

**6:00 – 8:00 P.M.      Reception, Washington College of Law  
(4801 Massachusetts Avenue, NW)**



## FRIDAY, OCTOBER 4

**8:00 – 8:30 A.M.      Registration**

**8:30 – 8:45 A.M.      Opening Remarks**  
**The Honorable Edward J. Damich**  
*Chief Judge, U.S. Court of Federal Claims*

**8:45 – 9:45 A.M.      Overview of U.S. and Foreign Laws:  
“Suing the Sovereign”**

*Speakers:*                      **Professor Vicki Jackson**  
*Georgetown Law Center*  
**Professor James Pfander**  
*University of Illinois College of Law*

### **Questions and Answers**

**9:45 – 10:00 A.M.      Break**

**10:00 – 11:15 A.M.      Roundtable Discussion**

*Responders:*                      **Claudio M. Grossman**  
*Dean, (American University) Washington College of Law*  
**Professor Rolf Sturner**  
*Albert-Ludwigs University Freiburg*  
**Professor Wang XiXin**  
*Peking University School of Law*  
**The Honorable Alexandr Zadorozhniy**  
*Chairman, Legal Policy Committee Parliament of Ukraine*

*Moderator:*                      **The Honorable Bohdan A. Futey**  
*U.S. Court of Federal Claims*

### **Questions and Answers**

**11:15 – 12:00 P.M.      Panel of the Assistant Attorneys General**

**Introduction**  
**The Honorable Nancy B. Firestone**  
*U.S. Court of Federal Claims*

*Participants:*                      **The Honorable Robert D. McCallum, Jr.**  
*Assistant Attorney General, Civil Division*  
**The Honorable Eileen J. O'Connor**  
*Assistant Attorney General, Tax Division*  
**The Honorable Thomas L. Sansonetti**  
*Assistant Attorney General, Environment and Natural  
Resources Division*



**12:00 – 1:30 P.M. Luncheon — Honoring the Presidents of the Court of Federal Claims Bar Association**

**Awards Presentation**

**1:30 – 3:00 P.M. Decisions, Analysis and Comments from Panel of Six Judges**

Topic: A Contracts Case Study (claims, breach, fraud and patent infringement)

*Participants:*

**Dr. Ruthai Hongsiri**

*Deputy Chief Justice — Central Administrative Court  
Thailand*

**The Honorable James F. Merow**

*U.S. Court of Federal Claims*

**The Honorable Marin Mrcela**

*Zagreb County Court, The Republic of Croatia*

**The Right Honourable Lord Justice Sir Phillip Otton**  
*Great Britain*

**The Honorable Margarita Beatriz Luna Ramos**

*Administrative Court of Mexico*

**The Honorable Nadezhda Shebanova**

*5<sup>th</sup> Judicial Panel, Federal Commercial Court  
Moscow Circuit*

*Moderator:*

**The Honorable Randall R. Rader**

*U.S. Court of Appeals for the Federal Circuit*

**Questions and Answers**

**3:00 – 3:15 P.M.**

**Break**

**3:15 – 4:15 P.M.**

**Ethical Issues in Government Contracting**

*Participants:*

**Stephen D. Altman**

*Assistant Director, Commercial Litigation, Civil Division  
Department of Justice*

**Anthony H. Anikeef**

*Bracewell & Patterson*

**Mark F. Grady**

*Dean, George Mason University School of Law*

*Moderator:*

**The Honorable Francis M. Allegra**

*U.S. Court of Federal Claims*

**4:15 P.M.**

**Concluding Remarks**

**The Honorable Edward J. Damich**

*Chief Judge, U.S. Court of Federal Claims*





It is as much the duty of government to render prompt justice against itself, in favor of citizens, as it is to administer the same, between private individuals.

—Abraham Lincoln

# United States Court of Federal Claims



## Thank You

A special thank you to those without whose efforts  
this Conference would not have been possible.

**SCOTT P. BOYLAN**

*Regional Director for Eurasia  
Department of Justice*

**DANIEL J. MITTERHOFF**

*China-Mekong Law Center*

**THE HONORABLE ERIC G. BRUGGINK**

*U. S. Court of Federal Claims*

**STEPHEN NIX**

*Regional Program Director of Eurasia,  
International Republican Institute*

**JAMES E. BROOKSHIRE**

*Chief Counsel, Complex Disputes  
ENR Division, Department of Justice*

**U.S. AGENCY FOR INTERNATIONAL  
DEVELOPMENT (USAID)**

**MARGARET M. EARNEST**

*Clerk of Court  
U.S. Court of Federal Claims*

**U.S. COURT OF FEDERAL CLAIMS  
BAR ASSOCIATION**

**THE HONORABLE NANCY B. FIRESTONE**

*U.S. Court of Federal Claims*

**PROFESSOR DON WALLACE, JR.**

*Georgetown Law Center*

**THE HONORABLE BOHDAN A. FUTEY**

*U.S. Court of Federal Claims*

**WASHINGTON COLLEGE OF LAW**

*American University*

**GEORGE WASHINGTON UNIVERSITY  
LAW SCHOOL**

**LEWIS S. WIENER**

*Sutherland, Asbill & Brennan*

**ELLAN M. JACKSON**

*U.S. Court of Federal Claims*

**LOUISE WILLIAMS**

*Administrative Office of the U.S. Courts*

**NANCY G. MARZULLA**

*Marzulla & Marzulla*

## JUDICIAL CONFERENCE REGISTRATION FORM

Please detach and return the completed registration form along with payment to 15<sup>th</sup> Clerk of Court, U.S. Court of Federal Claims, Judicial Conference, P.O. Box 931, McLean, VA 22101-9998. For planning purposes please fill out completely.

Name: \_\_\_\_\_  
(Last) (First) (M.I.)

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(Street Address) (City) (State) (Zip Code)

Home Phone: \_\_\_\_\_ Business Phone: \_\_\_\_\_

Place of Employment: \_\_\_\_\_

Employment Address: \_\_\_\_\_  
(Street Address) (City) (State) (Zip Code)

Email Address: \_\_\_\_\_

Method of Payment: ☐ Check ☐ Training Voucher ☐ Amount Enclosed: \$ \_\_\_\_\_

Point of contact (if other than self): \_\_\_\_\_

Will attend reception on October 3, 2002 ☐ Yes ☐ No



**UNITED STATES COURT OF FEDERAL CLAIMS**

Howard T. Markey National Courts Building

717 Madison Place, N.W.

Washington, D.C. 20005

**20<sup>th</sup> Anniversary**

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